

APPLICANT(S):  
SERIAL NO.: 09/849,499  
FILED: May 4, 2001  
Page 12

### REMARKS

Notice of Non Compliant Amendment, the Examiner asserted that the Amendment document filed on May 3, 2004 was considered non-compliant because it failed to meet the requirements of 37 CFR 1.121 as amended on June 30, 2003. In order for the Amendment to be compliant correction of the following is required:

- A. A complete listing of all the claims.
- B. The listing of claims should include the text of all claims.
- C. Each claim should be provided with the proper status identifier.

In response Applicants have resubmitted Section 1.121(h) of the Amendment document in its entirety. The present Communication is intended to be fully responsive to all points of the Notice of Non Compliant Amendment raised by the Examiner. Applicants respectfully assert that no new matter has been added.

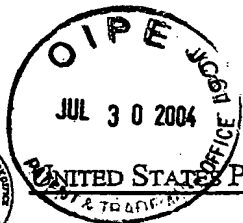
Please charge any fees associated with this paper to deposit account No. 05-0649.

  
Respectfully submitted,

\_\_\_\_\_  
Mark S. Cohen  
Attorney for Applicant(s)  
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Dated: July 29, 2004

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,499	05/04/2001	Herman Waldmann	1324.028	8699

7590

06/30/2004

Mark S. Cohen  
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EXAMINER

TON, THAIAN N

ART UNIT

PAPER NUMBER

1632

DATE MAILED: 06/30/2004

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06 JUL 2004

Please find below and/or attached an Office communication concerning this application or proceeding.

P-5975-U S

ATTORNEY: IGACTION: DA06AD DUE: 30 July 04

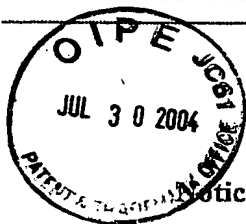
ACTION: \_\_\_\_\_ DUE: \_\_\_\_\_

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DOCKETED BY: JB DATE 12 July 04



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Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 6-14-04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see *68 Fed. Reg. 38611*, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Ms. Linda Humes  
Legal Instruments Examiner (LIE)

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